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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,890	09/29/2000	Naohito Takeuchi	2309/OH713	3384

7590

12/05/2002

Darby & Darby PC
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New York, NY 10022

EXAMINER

GUARRIELLO, JOHN J

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 12/05/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

Office Action Summary

Application No. 09/675890	Applicant(s) Takauchi et al.
Examiner John Guarrie/10	Group Art Unit 1941

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 9/12/2002, 9/20/2002, 11/25/2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 5-18 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 5-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Applicant Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1771

DETAILED ACTION

15. The Examiner acknowledges papers # 5-7, the amendment of 9/12/2002, the Terminal disclaimer of 9/20/2002, and the Terminal Disclaimer of 11/25/2002.

Terminal Disclaimer

16. The terminal disclaimer filed on 11/25/2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,287,419 has been reviewed and is accepted. The terminal disclaimer has been recorded.

The Terminal disclaimer of 11/25/2002 corrected the improper Terminal Disclaimer of 9/20/2002.

17. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 1771

Claim Rejections - 35 USC § 112

18. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

19. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, line 2, it is not clear what the phrase "weight of the fibers falls from 30-80". It is the Examiner's position that the phrase means that the weight of the fiber falls between or is in the range of 30-80.

Claim Rejections - 35 USC § 103

20. Claims 1, 5-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. 6,228,218 in view of Takeuchi et al. 6,287,419 and Iler 2,801,938.

Takeuchi describes a water disintegratable cleaning sheet which is a fibrous sheet, (see abstract). Takeuchi describes the fibers of the fibrous sheet have satisfactory dispersibility in water, namely water distinegratability,

Art Unit: 1771

(column 2, lines 48-54). Takeuchi describes the basis weight of the fibers is between 20 to 100 g/square meter, (column 3, lines 1-8). Takeuchi describes a binder which is added to the fiber web alkylcellulose among others, (column 3, lines 15-35). Takeuchi describes electrolyte in the fibrous sheet, (column 3, lines 37-60). Takeuchi differs from the claimed invention because it is silent about the colloidal silica as a gel compound and the length of the fibers.

Takeuchi '419 describes a water decomposable non-woven fabric with fiber lengths of 3-10 mm., (see abstract; column 2, lines 4-18).

Iler describes treating paper products (corresponding to sheets) with silica sol (corresponds to gel), (column 1, lines 15-20). Iler describes treating paper with aqueous stabilized colloidal solutions corresponding to silica gel or sol, (column 2, lines 42-50). Iler describes how the colloidal silica solution as sol or gel, (column 3, lines 20-71).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the fabric with the fiber lengths of 3-10

Art Unit: 1771

mm of '419 and the colloidal silica sol or gel of Iler in the water decomposable sheet of Takeuchi of '218 motivated with the expectation that colloidal silica gel or sol of Iler would improve wet strength properties and still have properties of wiping without decomposing prematurely especially for use as paper towels and blotting, (column 4, lines 43-45) of Iler.

21. Rejections not maintained were withdrawn because of the proper Terminal Disclaimer of 11/25/2002. Applicant's arguments regarding the ~~previous rejection of record were considered but with the new grounds of~~ rejection the arguments were not germane.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Britt 2,399,981 describes silica added in certain amounts to paper for wet strength so as not to render the paper unsatisfactory for the intended use, (column 2, lines 31-54) .

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone

Art Unit: 1771

number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John J. Guarriello:gj

Patent Examiner

November 26, 2002



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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